IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 361 of 2007(R)

AGAINST THE ORDER DATED 14/11/2006 IN CMP 1974/06 IN CC.1/2002 of ENQUIRY COMMR.& SPL.JUDGE,THRISSUR

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PETITIONER: ACCUSED:

C.K. KAMALASANAN, S/O.KUMARAN,
CHAMAKKATTUKUNNEL HOUSE,ETTAKKANAM KARA,
UPPUTHARA VILLAGE, PEERUMADE TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.K.SURENDRA MOHAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVT. PLEADER SRI.K.A. AKBAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 361 of 2007 R

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Dated this the 3rd day of January, 2007

JUDGMENT

The petitioner faces indictment in a prosecution under the Prevention of Corruption Act. In the trial it is submitted that a dispute has been raised about the value of a building. According to the petitioner the actual value of the construction is much more than what is assessed by the prosecution. The matter is at the stage of arguments after defence evidence. At this stage the petitioner filed two applications, one to reopen the evidence and the other to get the building valued competently by an expert. The said applications were dismissed by the learned Special Judge as per the impugned orders, copies of which are produced as Exts.P3 and P4. The impugned orders only shown that "petition not maintainable. Petition dismissed." The learned counsel for the petitioner submits that the manner of disposal of the petitions is not at all satisfactory.

2. I am not going into the contention in detail. The impugned orders are evidently interlocutory orders. They are not orders which are revisable. The matter is at the fag end of trial and admittedly

stands posted for arguments. Interlocutory orders being not revisable normally and ordinarily, the petitioner must wait to challenge these orders along with the final order to be passed in the prosecution.

3. I shall scrupulously not advert to the merit of the contentions in detail. Suffice it to say that at the moment I find absolutely no reason to interfere with the impugned orders invoking the jurisdiction under Section 482 Cr.P.C. or under Article 226 of the Constitution. The petitioner's right to challenge the impugned orders, if the same be necessary, along with the final order to be passed in the prosecution shall remain unfettered.

4. This Writ Petition is hence dismissed.

(R. BASANT)
Judge

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